

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 FREDERICK H. SHULL, JR.,

Case No.: 2:18-cv-01781-APG-PAL

4 Plaintiff

Order

5 v.

6 THE UNIVERSITY OF QUEENSLAND,
7 THE OCHSNER MEDICAL GROUP,
8 GEOFF McCOLL, LEONARDO SEOANE,
9 THE U.S. DEPARTMENT OF EDUCATION
via THE SECRETARY OF THE U.S.
DEPARTMENT OF EDUCATION,

10 Defendants

11 Plaintiff Frederick H. Shull, Jr. filed a motion for leave to proceed in forma pauperis
12 (IFP). Attached to that motion is an *ex parte* motion for a temporary restraining order and
13 preliminary injunction. ECF No. 1-1.

14 Federal Rule of Civil Procedure 65(b)(1)(B) requires the attorney for a party moving for
15 an *ex parte* TRO to certify “in writing any efforts made to give notice and the reasons why it
16 should not be required.” Local Rule 7-4(a)(3) requires a similar declaration when a party files an
17 emergency motion. Shull, representing himself in this case, must follow the local rules just as an
18 attorney would. His motion does not include that declaration. More importantly, I see nothing
19 in the motion to justify entering an injunction without notice to the defendants. Therefore, I will
20 not enter a temporary restraining order on an *ex parte* basis.

21 Shull’s request for relief is also defective because there is no complaint attached to his
22 IFP motion. A TRO or preliminary injunction cannot be entered in the absence of a complaint.

23 Shull must file an amended IFP motion, attaching a proposed complaint. If his IFP
motion is approved, he must serve on the defendants all the papers filed in this case. I will

1 consider the TRO motion only after those steps have been accomplished and the defendants have
2 had sufficient time to retain counsel and prepare for the hearing.

3 IT IS THEREFORE ORDERED that plaintiff Frederick Shull shall immediately file an
4 amended IFP motion, attaching to it a proposed complaint. If the IFP motion is granted, Shull
5 shall serve on the defendants all papers filed in this case, including this order. Shull shall file a
6 certificate confirming service of those documents on the defendants.

7 DATED this 17th day of September, 2018.



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9 ANDREW P. GORDON
10 UNITED STATES DISTRICT JUDGE
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